

Exhibit 14

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

Job No.: 81658

21

Pages 1 - 174

22

Transcribed by: Daphne Hurley

770
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A P P E A R A N C E S

Before the Honorable

BETSY B. CARR

DELEGATES PRESENT:

David L. Englin - Alexandria (D-45)

Robert G. Marshall - Prince William (R-13)

Ward L. Armstrong - Henry (D-10)

Brenda L. Pogge - James City County (R-96)

Adam P. Ebbin - Alexandria (D-49)

David Albo - Fairfax (R-42)

Mark L. Cole - Spotsylvania (R-88)

Roxann L. Robinson - Chesterfield (R-27)

S. Chris Jones - Suffolk (R-76)

Joe Morrissey - Henrico (D-74)

Lionell Spruill, Sr. - Chesapeake (D-77)

Patrick A. Hope - Arlington (D-47)

Rosalyn R. Dance - Petersburg (D-63)

M. Kirkland Cox - Colonial Heights (R-66)

Jennifer McClellan - Richmond City (D-71)

771
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

41

1 Virginia, they were the second place in the
2 competition, had nine majority/minority seats.
3 They had a better deviation, 2.94 percent, but
4 they still were as low as 59.2 percent on the
5 voting age population.

6 Now, everything that I have seen in my 25
7 years in elected office has indicated to me that
8 in the minority community there, there are not as
9 many registered per hundred as there are in the
10 white community and then the turn out is different
11 as well.

12 So if you don't -- as we heard in our
13 testimony, and as Delegate Dance and Spruill and
14 some other individuals and leaders in the
15 community have said, if you don't have an
16 effective voting strength then there's a good
17 chance that over the time of 10 years you will see
18 a dilution of their ability and there is the
19 community.

20 Not that I am -- it's not my seat. I think
21 the gentleman from Chesapeake, Mr. Spruill, would
22 agree with this. He can probably get elected with

772
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

42

1 a lower percentage. But he represents the
2 community and the law states it's the community's
3 ability to elect the candidate of their choice.

4 So that's why the testimony led me when
5 drawing this map to not retrogress with the number
6 of seats, which we didn't, and to keep an
7 effective voting majority within each and every
8 district. We had to keep the core of those
9 districts, because I think that's very important,
10 and because of the population shifts you did see a
11 decrease in some of the percentages, but all were
12 above 55 percent.

13 So as I continued to work, work this map I
14 tried to do the best I could to meet the plus or
15 minor 1 percent. It's obvious to me that from
16 comments I received from colleagues who called me,
17 who stopped by my office, who wanted to discuss
18 their community and what the bill as introduced
19 last week would do to that community if it passed,
20 I said, "I'll be glad to sit down with each and
21 every one of you who want to meet with me" and I
22 did and I think through that process you have this

773
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

64

1 Mr. Speaker: The gentleman yields.

2 DEL. ARMSTRONG: Is the gentleman also aware
3 that under Section 5 or possibly 2, but Section 5
4 of the Voting Rights Act that additional
5 majority-minority districts must be created where
6 practical?

7 DEL. JONES: I would agree with that
8 statement, Mr. Speaker. I would emphasis, though,
9 that to me practical, as we heard through the
10 testimony, was an effective voting age population.
11 And when I was mentioning earlier about the plans
12 that were before us, I think -- I don't believe
13 but a handful of the districts that were drawn
14 actually would meet the Bartlett versus Strickland
15 test, which, which a minimum amount legally
16 required to constitute Section 2 district would be
17 50 percent plus 1.

18 DEL. ARMSTRONG: Further question,
19 Mr. Speaker.

20 Mr. Speaker: Will the gentlemen yield?

21 DEL. JONES: I yield.

22 Mr. Speaker: The gentleman yields.

774
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

69

1 DEL. JONES: I yield.

2 Mr. Speaker: The gentleman yields.

3 DEL. ARMSTRONG: Is the gentleman aware that
4 one of those two plans developed by the Commission
5 created a 13th majority-minority district?

6 DEL. JONES: I would say to this the
7 gentleman, Mr. Speaker, yes, I am.

8 DEL. ARMSTRONG: Further question,
9 Mr. Speaker.

10 Mr. Speaker: Does the gentlemen yield?

11 DEL. JONES: I yield.

12 Mr. Speaker: The gentleman yields.

13 DEL. ARMSTRONG: Can the gentleman explain to
14 me the reasonings in his putting together HB 5001
15 as to why he did not create a 13th
16 majority-minority district?

17 DEL. JONES: Mr. Speaker, I'd say to the
18 gentleman I think he's answered his own question
19 with his line of questioning earlier about an
20 effective -- I think he's conflicted or he's
21 confused in his approach here.

22 I think his line of questioning earlier was

775
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

74

1 me what then additional information that he did
2 not glean from the official Privileges & Elections
3 Committee meetings which were recorded that led to
4 his development of the 12 minority-majority
5 district plans?

6 MR. JONES: Mr. Speaker, I think I answered
7 the gentleman's question before in my earlier
8 remarks and I will stand by those remarks.

9 DEL. ARMSTRONG: Further question,
10 Mr. Speaker.

11 MR. SPEAKER: Will the gentleman yield?

12 DEL. JONES: I yield.

13 MR. SPEAKER: The gentleman yields.

14 DEL. ARMSTRONG: Mr. Speaker, I would ask the
15 gentleman whether there was any consideration
16 given to the creation of a 14th minority-majority
17 district in Southside, Virginia that would have
18 included the city of Martinsville, the city of
19 Danville and territory in both Henry and
20 Pennsylvania counties.

21 MR. JONES: Mr. Speaker, I'd say to the
22 gentleman, I believe that was what was presented

776
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

96

1 Now, that's my reading. I'm not an attorney,
2 but I did attend some of the conferences that the
3 gentleman from Henry did. I think we saw each
4 other down in Texas. So that was kind of my
5 reading of that, but that's a non-lawyer response
6 to a lawyer's question.

7 DEL. ARMSTRONG: Further question,
8 Mr. Speaker.

9 MR. SPEAKER: Will the gentleman yield?

10 DEL. JONES: I yield.

11 MR. SPEAKER: The gentleman yields.

12 DEL. ARMSTRONG: I would preface my next
13 question by saying my reading of Larios indicates
14 that there were -- the population deviations there
15 were done in a way and a pattern that would have
16 favored one particular political party over
17 another; that is, that where there were
18 populations that were deviated down, they were
19 done so for entirely political purposes.

20 My question is there have been a number of
21 other cases, including one that the United States
22 Supreme Court upheld, the 1970s House plan of

777
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

97

1 Virginia, where there was a 16.4 percent deviation
2 because there was a rational state policy for
3 doing so.

4 And the question that I pose to the gentleman
5 is; would he not agree with me that he could have
6 better effected minority representation in the
7 State, that is with better effective minority
8 populations within the 12 existing minority
9 districts, plus the ability to create a 13th, by
10 using a deviation percentage higher than plus or
11 minus 1 percent? Would the gentleman not agree?

12 MR. JONES: No, I would not agree. I would
13 say to the gentleman that what they did in Larios
14 was actually plus or minus 5 percent. The case he
15 referenced back in the 1970s, that's 40 years ago.
16 That was before I guess I even got out of high
17 school.

18 And I am aware of that case. I think that
19 dealt with the Eastern Shore, if I'm not, if I'm
20 not mistaken and those two counties. And I think
21 the overarching principle as I stated in my
22 opening remarks is the one-person, one-vote. That

778
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

141

1 while still abiding by the terms of the Voting
2 Rights Act and trying to respect county and city
3 lines." Quote, unquote, "It's easy to justify to
4 the public when you have these very compact
5 districts," she said, one of the nine students on
6 a team with a winning map, "but Virginia is not
7 square. It's just not." And I think that pretty
8 much says it all.

9 DEL. MORRISSEY: Mr. Speaker, I thank the
10 gentleman for his answers.

11 MR. SPEAKER: The gentleman from Chesapeake,
12 Mr. Spruill.

13 DEL. SPRUILL: Mr. Speaker (inaudible words).

14 MR. SPEAKER: The gentleman has the floor.

15 DEL. SPRUILL: Mr. Speaker and Members of the
16 House, let me have your ears and please listen if
17 you can.

18 I'm surprised all of a sudden this has come
19 out to be a racist thing about blacks who are in
20 the House. This is not about no race. We have
21 100 members in this House and we're talking about
22 black minority districts. If we had wanted to do

779
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

142

1 that, we have three fine lawyers in the Black
2 Caucus that can do that.

3 My lawyer next to me who represents me says,
4 "Be careful of what you say." Some are saying,
5 "Why are members making this a thing about blacks
6 being represented?" They're not saying, "Well,
7 that's fair enough. Let's see who came to us and
8 say, 'This is what I propose.'"

9 From the Governor's plan did they come to us?
10 No. Delegate Chris Jones, we went to him and we
11 had some concerns, mostly every member of the
12 Black Caucus. He answered our concerns; some we
13 were satisfied with and some we were not, but at
14 least we had input into Plan 5001. Where's the
15 other plan that's coming to the Black Caucus and
16 saying, "Hey, we're going to try to help you all"?
17 Who else?

18 I'm the (inaudible words) Black Caucus. Who
19 has come to me and said to the Black Caucus, "Hey,
20 we've got a plan to look out for black folks."
21 This is not a thing about race. And I know
22 somebody's standing there taking every word you

780
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

143

1 say because this is going to go to the court.

2 Well, let's make it right.

3 To the members of this body, this is not
4 about black folks, so don't let them, nobody put
5 you on they're trying to save the black folks.
6 That's not so. So okay. What is this is all
7 about? Let's look at Plan 5002 that was submitted
8 yesterday, that was talked to us yesterday. That
9 plan had Delegate Kenneth Alexander, along with
10 Delegate Ed Howell of the same district. That
11 plan had Delegate Matthew James and Spruill, same
12 district. That plan had my house in the 79th
13 district.

14 No one has come to me or anybody and talked
15 to us about this. So it's not about race. It's
16 about representation of the folks. Delegate Chris
17 Jones is the only one that came to us and says,
18 "This is what" -- what he was saying. We went to
19 him and said, "We have a problem. Can you resolve
20 those problems?"

21 Now you've got the Governor's plan. The
22 Governor has not sent -- well I wouldn't expect

COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

144

1 the Governor to do it himself, but he asked no one
2 to come to talk to us about it.

3 Let's talk about the 13th district. It was
4 not taken up by the Black Caucus because we have
5 not discussed it to talk about it, but by my
6 friend here who spoke about it yesterday and this
7 morning. The Governor's plan is talking about a
8 13th and 14th district. We do not need to create
9 another black district.

10 Oh, I would love to see it happen. We
11 already had one. Do you remember Flora Mass (ph)?
12 Flora Mass was black. Guess who took Flora Mass's
13 (unintelligible word)? Okay? And he is not of
14 our persuasion.

15 Okay? Now you're talking about so that's the
16 13th seat. Now, I ask you to check and look what
17 is a minority percentage of Delegate Joe
18 Morrissey's district? Check it out. What is
19 Morrissey's percent of the black district? But
20 the people there in Richmond were so kind, they
21 made him their choice. And that's a black
22 district, but they made him their choice and I'm

782
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

145

1 glad for him. That's the 13th district he was
2 talking about. That's a black district.

3 Oh, let's talk about the 14th district.
4 Betsy Carr. That's a black district. They're
5 your 13 and 14. But the people in Richmond made
6 her their choice and I'm glad for her because she
7 is doing a good job. That's a black district. So
8 if those who are saying that "We've got to look
9 out for the blacks, we got to create a 13 and 14
10 black district," we already have them. But the
11 people in those black districts made their choice
12 to support (inaudible words) and that's -- there's
13 nothing wrong with that. That's their choice.

14 So you need to create -- (inaudible words) we
15 do create another 13th district and you select
16 another white. Then what? Then what you gonna do
17 about that? Because the peoples have made their
18 choice. So it's not about race. Please, don't
19 hang this on the black folks. So when you go to
20 court, don't say they tried to dilute the black
21 folks.

22 Well, what are my concerns? My concerns is

783
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

146

1 this. And let me put my eyes on. 1887 to 1888
2 African-Americans, members of the General
3 Assembly, eight members. Come here and look at
4 it. And they're downstairs somewhere in the
5 little corner where you can't see them. Eight
6 members of the Black Caucus were elected one year
7 from 1887 to 1888. Since 1888 and here it is in
8 2011 we've only increased five. Okay?

9 Ain't nothing to do with race. "Well, what's
10 it got to do with Spruill?" Then we're saying,
11 "Well, look at the public of Virginia." 20
12 percent, whatever it is. So tell me how can we
13 create districts. We talk about a snake going
14 around to make sure you've got black's
15 representation. We have blacks who lost, that
16 don't vote. If they don't vote -- if you create a
17 black district and they don't vote, then whose
18 fault is that? Okay?

19 So we have what we're looking for. The
20 (inaudible word) was saying "The NAACP, the
21 representation, were they represented where they
22 knew about it? Yes. Lue Ward, Lue Ward, NAACP in

784
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

147

1 Suffolk, NAACP in Chesapeake and Virginia Beach.
2 I'm saying those because I know they're in a
3 ruckus. I want to make sure I got it right. They
4 are aware of it. I'm a member of the Men's
5 (inaudible words) For Progress. Yes, we are aware
6 of it.

7 So we are here today. I thought that if
8 members of -- let me use this body on this side of
9 the aisle. I felt concern that we were looked at
10 and saying, "Let's create -- this is for everybody
11 what's fair." But instead we're coming here and
12 saying that we're talking about diluting the black
13 folks and they be (inaudible words)
14 representation. Don't do it.

15 My concern is to make sure that those
16 blacks -- I don't like to use the word minority
17 towards us. Those blacks -- my concern; have
18 input with Delegate Chris Jones. My concern was
19 to make sure that we have the numbers, to make
20 sure that we keep what we got and can get more
21 when we want to. Not because you're black.
22 Because my concern is that we do not dilute.

785
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

149

1 it's not an African-American seat, but the
2 citizens, both black and white, decide that he was
3 the choice. So it's not about that.

4 So I ask you all this; is there -- if you're
5 going to look at and look out for the black
6 community, we ask you all look at who has come to
7 us, look at who has worked with us to try to make
8 sure that we maintain what we've got. Who has
9 been that person? That person has been Delegate
10 Chris Jones. I ask you all to support 5001.

11 Thank you very kindly.

12 (Applause.)

13 MR. SPEAKER: The gentleman from Arlington,
14 Mr. Hope.

15 DEL. HOPE: Thank you, Mr. Speaker. Would
16 the gentleman from Suffolk resume the floor for a
17 question?

18 MR. SPEAKER: Will the gentleman yield?

19 DEL. JONES: The gentleman from Suffolk will
20 (inaudible word.)

21 MR. SPEAKER: Yeah.

22 DEL. JONES: I'm here to answer questions.

786
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

157

1 floor.

2 DEL. DANCE: Thank you. As a member of the
3 House Redistricting Committee I support House Bill
4 5001 in its substitute form as we have before us
5 and it's again for more than just the one reason
6 that it mirrors the -- or doesn't mirror, but it
7 does support the 12 minority districts that we
8 have now and it does provide that 55 percent
9 voting strength that I was concerned about as I
10 looked at the model and looked at the trending as
11 far as what has happened over the last 10 years.

12 And one of the best examples I can give for
13 that and most concern was the area that was
14 mentioned prior and that is Delegate Tyler's area
15 in the 75th. Because Delegate Tyler is an
16 African-American that now finally sits in a
17 minority seat that's been there for years, but
18 there have been three tries by minorities in the
19 past to win that seat and they were not able to do
20 so.

21 And if that district is below that 55 percent
22 voting strength, then I don't think she would be

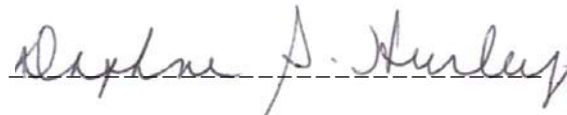
787
COMMONWEALTH OF VIRGINIA HOUSE OF DELEGATES
CONDUCTED ON TUESDAY, APRIL 5, 2011

174

C E R T I F I C A T E

I, Daphne S. Hurley, Court Reporter,
certify that I transcribed from digital recording
of the proceedings held on the 5th day of April
2011.

I further certify that to the best of my
knowledge and belief, the foregoing transcript
constitutes a true and correct transcript of the
said proceedings. Given under my hand this 3rd
day of May 2015.

A handwritten signature in cursive script, reading "Daphne S. Hurley", is written over a horizontal dashed line.

Daphne S. Hurley

My commission expires: August 20, 2018

Notary Public in and for

the State of Maryland